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Paper 41

Filed 5 June 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge James T. Moore)

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Hannelore Ehrenreich  
and  
Christoph Gleiter  
Junior Party  
(Application 09/868,089),

v.

Michael Brines, Anthony Cerami,  
and  
Carla Cerami  
Senior Party  
(Application 09/547,220)

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Patent Interference No. 105,500 (JTM)  
(Technology Center 1600)

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**JUDGMENT - REQUEST FOR ADVERSE - Bd. R. 127(b)**

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Before: FRED E. McKELVEY, *Senior Administrative Patent Judge*, and RICHARD E. SCHAFFER and JAMES T. MOORE *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

1 Brines has filed paper 40, a Request for Adverse Judgment as to count 1, the  
2 only count in this interference. Upon consideration of the request, it is:

3 **ORDERED** that judgment on priority as to Count 1 (the sole count in the  
4 interference; Paper 1, page 4) is awarded against Senior Party Michael Brines, Anthony  
5 Cerami, and Carla Cerami

6 **FURTHER ORDERED** that Senior Party Michael Brines, Anthony Cerami,  
7 and Carla Cerami is not entitled to a patent containing claims 28-39 and 52-64  
8 (corresponding to Count 1) of application 09/547,220.

9 **FURTHER ORDERED** that if there is a settlement agreement, the parties  
10 shall direct their attention to 35 U.S.C. § 135(c).

11 **FURTHER ORDERED** that a copy of this JUDGMENT shall be placed in  
12 the files of (1) application 09/547,220 and (2) application 09/868,089.

13 **FURTHER ORDERED** that the Clerk is directed to distribute the files upon  
14 entry of this JUDGMENT.

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19 /ss/ Fred E. McKelvey  
20 FRED E. McKELVEY  
21 Senior Administrative Patent Judge

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23 /ss/ Richard E. Schafer  
24 RICHARD E. SCHAFER  
25 Administrative Patent Judge

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27 /ss/ James T. Moore  
28 JAMES T. MOORE  
29 Administrative Patent Judge

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